

# Permanency Hearing Before Final Order Checklist

15 Minutes; up to 25 suggested best practice

## Statutory

### Prior to the Hearing:

- If first Permanency Hearing (PH), scheduled within 180 days after DFPS named TMC
- If subsequent PH, scheduled within 120 days of last PH
- 10 days' notice provided
- DFPS Permanency Progress Report filed at least 10 days before PH and includes:

### At the Hearing:

- Identify those present
- Child in attendance
- DFPS due diligence to locate and serve parties not present
- Paternity issues/Paternity Registry
- Parent, alleged father or relative provided locating information for absent parents, alleged fathers, or relatives
- If parent is unrepresented, inform of right to counsel, determine indigency, and appoint attorney
- Need for language interpretation
- Inquire about Indian/Native American Heritage
- Citizenship issues, consulate notified
- Compliance with orders/Service Plan and progress made
- Parties and those present heard and provided opportunity to present evidence
- If caregiver is present, must be given opportunity to provide information about the child.
- Review efforts to place child with a relative
- If child with relative, inform about Permanency Care Assistance
- Review Permanency Progress Report:
  - Safety and well-being of child
  - Child's needs (medical/special)
  - Child's placement
  - Evidence as to whether DFPS is able to place with relative
  - Child's primary and alternative permanency goals
  - DFPS reasonable efforts to finalize permanency plan
  - Child provided opportunity to express opinion about medical care
  - Child provided opportunity to provide information about possible relative or other caregiver
  - For child receiving psychotropic medication, whether child has:

- Child's Permanency Plan
- Summary of Medical Care
- The court file includes:
  - Notification of Medical Consenter Form 2085-B
  - Education Decision-Maker Form 2085-E
  - Visitation Plan
- been provided non-pharmacological interventions.
- seen prescribing physician every 90 days for review
- Child's Education Decision-Maker identified, education needs and goals identified and addressed, and major changes in school performance or disciplinary events
- If 14 or older, transition services to assist from care to independent living
- For child with goal of APPLA:
  - child's desired permanency outcome; and
  - whether APPLA best permanency plan; if so, provide compelling reasons why not in child's best interest to:
    - return home,
    - adoption,
    - placed with legal guardian, or
    - placed with a fit and willing relative
  - whether DFPS has conducted an Independent Living Skills (ILS) assessment for all youth 16 and older in TMC
  - whether DFPS has addressed the goals identified in the youth's permanency plan
  - For youth 16 years of age or older, whether DFPS has provided documents required by Section 264.121(e)
  - For youth 18 years or older, or has had disabilities of minority removed, whether DFPS has provided youth with documents and information listed in Section 264.121(e-1)
- If the child is placed in an RTC or QRTP, whether continued placement in an RTC or QRTP is appropriate
- Child receiving appropriate medical care
- Child has regular, ongoing opportunities for age-appropriate normalcy activities, including those not in child's service plan
- If AAL hasn't seen client, determine good cause

Updated October 2023

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continued

## Court Findings

### At the End of the Hearing:

- Return the child to the parent or parents unless, with respect to each parent, there is a continuing danger to the health and safety of the child and returning home is contrary to the welfare of the child.
- Advise/warn custodial rights and duties subject to restriction or termination
- Incorporate changes or modifications to Service Plan into order
- Likely date child returned home, placed for adoption, or placed in PMC
- Set next PH within 120 days or sooner
- Announce dismissal date and any upcoming hearings

## Best Practices

- If lack of notice, consider resetting hearing to secure attendance
- Engage parties with direct questions
- Engage youth
- Ask DFPS direct, child-specific questions about primary and concurrent goal
- If not moving to positive permanency, set timelines and tasks to be completed prior to next hearing
- AAL knowledgeable about child's needs and legal objectives
- Set next PH at 90 instead of 120 days
- For Older Youth:
  - Family Group Decision Making
- Preparation for Adult Living (PAL)
- If will turn 18 while in foster care:
  - discuss extended foster care and trial independence
  - ensure referrals to Texas Workforce Commission
  - ensure appropriate documents in possession before leave care
- Ask the following questions:
  - *What is preventing this child from returning home today?*
  - *How is my decision specific to this child and this family?*
  - *Are there cultural issues we need to understand?*

## Well-being Issues

### Medical Care and Mental Health

- Summary of medical care:
  - Nature of emergency medical care
  - All medical and mental health treatment receiving and progress
  - Any medication prescribed/progress
  - Caregiver compliance with treatment plan
- Adverse reaction or side effects
- Diagnosis or diagnostic tests
- Activity to avoid that affect effectiveness of treatment
- Other info required

### Education and Educational Decisions

- Enrolled and in appropriate grade
- Remain in current school, even if placement changes
- If change placement, determine:
  - Where child wants to attend school
  - Whether transportation is available
  - Whether change coordinated with grading and testing periods
  - Whether records/credits transferred
- If 0-3, child assessed for developmental milestones through ECI
- If 0-5, enrolled in Early Head Start, Head Start, or Pre-Kindergarten
- Education Decision-Maker Form 2085-E on file
- School supports and disciplinary issues
- Extracurricular activities/normalcy
- Evaluated for/receiving special education
- If 14 or older, postsecondary education plan

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